

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
WESTERN DIVISION

<p>PRIYA SAXENA,</p> <p>Plaintiff,</p> <p>v.</p> <p>KRISTI NOEM, in her official capacity as Secretary of Homeland Security; the DEPARTMENT OF HOMELAND SECURITY; and TODD LYONS, in his official capacity as Acting Director of U.S. Immigration and Customs Enforcement,</p> <p>Defendants.</p>	<p>5:25-cv-05035-KES</p> <p>NOTICE OF FILING</p>
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Defendants respectfully submit this notice to apprise the Court of a development that may impact the claims in this suit. As of April 26, 2025, Immigration and Customs Enforcement (“ICE”) has promulgated a new policy concerning the termination of records in the Student and Exchange Visitor Information System (“SEVIS”). A copy of that new policy is enclosed herewith.

Dated this 30th day of April 2025.

ALISON J. RAMSDELL
United States Attorney

/s/ Michaele S. Hofmann
MICHAELE S. HOFMANN
Assistant U.S. Attorney
515 Ninth Street, Suite 201
Rapid City, SD 57701
(605) 342-7822
Michaele.Hofmann@usdoj.gov

Attorneys for the Defendants

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Broadcast Message: SEVIS Notice – Policy Regarding Termination of Records

To: All SEVP Personnel

Date: April 26, 2025

General Information

The Student and Exchange Visitor Program (SEVP) manages and tracks nonimmigrants in the F, M, and J categories. To eliminate vulnerabilities related to the nonimmigrant visa program, Congress provided broad statutory authority under 8 U.S.C. § 1372 for the Government “to develop and conduct a program to collect” information regarding nonimmigrant students and exchange visitors and to “establish an electronic means to monitor and verify” certain related information, which is the system referred to as the Student and Exchange Visitor Information System (SEVIS). Inherent in that authority is SEVP’s ability to update and maintain the information in SEVIS and, as such, to terminate SEVIS records, as needed, to carry out the purposes of the program.

A terminated record in SEVIS could indicate that the nonimmigrant no longer maintains F or M status. Designated school officials (DSOs) mostly terminate F-1/M-1 students and/or F-2/M-2 dependents who do not maintain their status. However, termination does not always result in an adverse impact on the student. DSOs and SEVP can terminate records for several normal, administrative reasons.

Additionally, SEVP can terminate records for a variety of reasons, including, but not limited to the following reasons:

- Exceeded Unemployment Time
- Failure to Comply with I-515A
- Failure to Repay the I-901 Fee Chargeback
- Failure to Report While on OPT
- No Show
- School Withdrawn
- Violation of Change of Status Requirements
- Change of Status Approved
- Evidence of a Failure to Comply with the Terms of Nonimmigrant Status Exists
- U.S. Department of State Visa Revocation (Effective Immediately)

Failure to Comply with Terms of Nonimmigrant Status

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When SEVP has objective evidence that a nonimmigrant visa holder is no longer complying with the terms of their nonimmigrant status for any reason, then the SEVIS record may be terminated on that basis. Information should be entered into in SEVIS that identifies the failure to comply. In its discretion, ICE may conduct further investigation or initiate removal proceedings pursuant to INA § 237(a)(1)(C)(i) based on evidence that a nonimmigrant student is not complying with the terms of their nonimmigrant status.

Visa Revocations

Pursuant to INA § 221(i), the U.S. Department of State (State) may at any time, in its discretion, revoke an alien's visa. State can consider derogatory information provided by ICE and other U.S. law enforcement agencies in its assessment of whether visa revocation is appropriate for an alien. When State revokes an alien's visa with immediate effect, ICE should take steps to initiate removal proceedings.

If State revokes a nonimmigrant visa effective immediately, SEVP may terminate the nonimmigrant's SEVIS record based on the visa revocation with immediate effect, as such a revocation can serve as a basis of removability under INA § 237(a)(1)(B). SEVP should not, however, terminate a nonimmigrant's SEVIS record on this basis until it has confirmed that State has revoked the visa.

For additional information about SEVIS record terminations, please contact the SEVP Response Center (SRC) via phone at 703-603-3400 or 1-800-892-4829 or via email at SEVP@ice.dhs.gov. The SRC is open Monday through Friday, 8 a.m. to 6 p.m. ET, except for federal holidays.

Disclaimer

This Broadcast Message is not a substitute for applicable legal requirements, nor is it itself a rule or a final action by SEVP. It is not intended to, does not, and may not be relied upon to create any right or benefit, substantive or procedural, enforceable at law by any party in any administrative, civil, or criminal matter.

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